

Docket No.: 2257-0255PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jun IDO

Application No.: 10/555,530

Confirmation No.: 9638

Filed: November 3, 2005

Art Unit: 2611

For: DEMODULATION DEVICE AND
DEMODULATION METHOD

Examiner: K. A. Timory

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 CFR § 1.705 (d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

Pursuant to CFR § 1.705 (d), the Patentee hereby requests reconsideration of the patent term adjustment indicated on the Notice of Allowance for Application No. 10/555,530 (Exhibit 1). Specifically, while the Notice of Allowance indicates a patent term adjustment of 638 days, Patentee submits that the patent term adjustment should correctly be 954 days.

STATEMENT OF FACTS

1. The Notice of Allowance issued in this case on March 10, 009 indicated that the Patent Term Adjustment to date was 638 days, (see page 3 of Exhibit 1).
2. The U. S. Patent and Trademark Office's Patent Term Adjustment History, as indicated in the Patent Application Information Retrieval (PAIR) system indicates a Patent Term Adjustment due to prosecution delays of 638 days, based upon 638 days of USPTO delays minus 0 days of Applicant delay (see Exhibit 2).

3. However, the PAIR system does not indicate any Patent Term Adjustment due to the USPTO failure to issue a patent within three (3) years (36 months) from the actual filing date of the application, November 3, 2005 (37 C.F.R. § 1.702(b)), which delay was 316 days.
4. In accordance with the recent District Court decision in *Wyeth et al. v. Dudas*, 88 USPQ2d 1538 (D.D.C. 2008), the correct Patent Term Adjustment should be 638 days of prosecution delay, plus 316 days for the failure of the USPTO to issue a patent within three (3) years of the actual filing date of the application (37 C.F.R. § 1.702(b)), for a total of 954 days of Patent Term Adjustment.
5. Accordingly, Patentee hereby requests that the U. S. Patent and Trademark Office correct the calculation of the Patent Term Adjustment for the above-identified patent to 954 days.

**COMPLIANCE WITH REQUIREMENTS OF
37 CFR § 1.705 (b)(1) AND (2)**

6. A statement of facts is presented above, detailing the relevant dates and the correct patent term adjustment.
7. The present patent is not subject to any Terminal Disclaimer or any expiration date specified in a Terminal Disclaimer (§ 1.705(b)(2)(iii)).
8. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application (§ 1.705(iv)(B)).

CONCLUSION

The USPTO is requested to correctly indicate that U.S. Application No. 10/555,530 is entitled to 954 days of Patent term Adjustment.

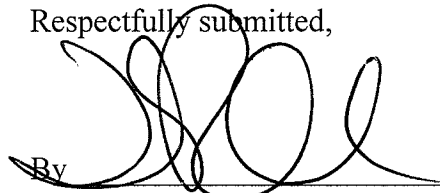
PAYMENT OF FEES

As set forth in the attached Fee Transmittal, the Commissioner is hereby authorized to charge the amount of \$200.00 to Deposit Account No. 02-2448 for the consideration of this Request as required by 37 C.F.R. § 1.18(e).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: **JUN 08** 2009

Respectfully submitted,



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